

REMARKS

Claims 1, 4, 5, and 23-87 are pending. By this Amendment, claims 1, 32, 36, 41, 53, 57, 70, 72, 73, 75, 76, 80 81 and 84 are amended.

Claims 1, 32, 36, 41, 53, 57, and 70 are amended. Support for the amendments can be found throughout the specification and the figures and, for example, on page 12. Claims 72, 73, 75, 76, 80 81 and 84 are amended to correct dependencies after renumbering. Claims 71-87 were amended to refer to "The method..." or "The system" as the case may be, rather than "A method" or "A system". No new matter is introduced by the amendments.

In view of the following comments, Applicants respectfully request favorable consideration and prompt allowance of claims 1, 4, 5, and 23-87.

Rejection Under 35 U.S.C. § 103 Over Mukherjee and Jenkins

Claims 1, 4, 5, and 23-87 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,314,415 to Mukherjee ("Mukherjee") and U.S. Patent No. 6,597,392 to Jenkins et al. ("Jenkins"). For the reasons discussed below, the claims are not *prima facie* obvious over Mukherjee and Jenkins. Accordingly, Applicants respectfully request reconsideration of the rejection.

A prima facie case of obviousness of Applicants' claimed invention has not been established, as the cited references do not teach, suggest, or motivate all of the features included in the claims. Prima facie obviousness is not established if all the elements of the rejected claim are not disclosed or suggested in the cited art. In re Ochiai, 37 USPQ 1127, 1131 (Fed. Cir. 1995). ("The test for obviousness vel non is statutory. It requires that one compare the claim's 'subject

matter as a whole' with the prior art 'to which said subject matter pertains.'"). See also, MPEP § 2143.03 "All Claim Limitations Must Be Taught or Suggested," citing In re Royka, 180 USPQ 580 (CCPA 1974). "To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03.

For at least the reason that the cited references, individually or in combination, do not teach all of the features of independent claims 1, 32, 36, 41, 53, 57, and 70 as amended, reconsideration and withdrawal of the rejection is requested.

With respect to independent claims 1, 41, and 70, the Examiner admits that Mukherjee does not teach receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom; and generating the user interface based on the data and from the camera data. However, the Examiner cites Jenkins et al. for the disclosure of an "apparatus and method for computerized multi-media data organization and transmission (see abstract), in which he teaches receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom (see figure 1 and abstract); and generating the user interface based on the data and from the camera data (see abstract; fig. 3 and col. 5, lines 51-65)".

The Examiner now asserts that "[i]t would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mukherjee by the teaching of Jenkins et al., because receiving a request to control at least one of a camera and a camera enabled device to obtain camera data therefrom, would enable the method because, the camera is coupled to a monitor that displays the image of the patient."

Claims 1, 41 and 70 have been amended. Claim 1 has been amended to specify that the request may be fulfilled at least in part based on one or more aspects of the identity of the user. Claim 41 has been amended to provide for a second rule having at least one additional variable parameter representing information pertaining to identity of the user, executing the first and second rules to retrieve data and generating a user interface based at least in part on the data retrieved from execution of the second rule. Claim 70 has been amended to further specify that the information to be displayed depends at least in part on information pertaining to the identity of the user. Neither Mukherjee nor Jenkins disclose such features. Therefore, claims 1, 41 and 70 are believed to be free of the cited references.

As to claims 32 and 53, the Examiner admits that Mukherjee does not teach the function comprising access to a medical device which provides medical information; and generating the user interface based on the data and based on said medical information. Rather, the Examiner cites Jenkins for an “apparatus and method for computerized multi-media data organization and transmission (see abstract), in which he teaches the function comprising access to a medical device which provides medical information (see fig. 3 and col. 1, lines 13-17); and generating the user interface based on the data and based on said medical information (see fig. 3 and col. 1, lines 13-17)”.

The Examiner asserts: “[i]t would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mukherjee by the teaching of Jenkins et al., because the function comprising access to a medical device which provides medical information; and generating the user interface based on the data and based on said

medical information, would enable the method because, The [sic] camera is coupled to a monitor that displays the image of the patient.”

However, claim 32 has been amended to specify that user identification information determines whether or not to generate a record based on user identifying information and to specify that the plurality of rules includes at least one rule wherein the rule determines, at least in part, whether the user interface may be generated based at least in part on user identifying information. Claim 53 has been amended to specify the additional limitation of one or more databases for storing a second plurality of rules, the second plurality of rules including at least one rule comprising one or more variable parameters, at least one of the variable parameters representing information pertaining to the identity of the user, the second plurality of rules governing, at least in part, access to the medical information based on the information pertaining to the identity of the user. Neither Mukherjee nor Jenkins disclose such features. Therefore, claims 32 and 53 are believed to be free of the cited references.

With respect to independent claims 36 and 57, the Examiner admits that Mukherjee does not teach defining a presentation which is one of a plurality of different types of presentation for displaying the data elements, the type of presentation which is defined as being based on said medical information. However, the Examiner cites Jenkins et al. for an “apparatus and method for computerized multi-media data organization and transmission (see abstract), in which he teaches defining a presentation which is one of a plurality of different types of presentation for displaying the data elements, the type of presentation which is defined as being based on said medical information (see figure 3 and col. 1, lines 13-18).”

The Examiner asserts that “[i]t would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mukherjee by the teaching of Jenkins et al., defining a presentation which is one of a plurality of different types of presentation for displaying the data elements, the type of presentation which is defined as being based on said medical information, would enable the method because, make the access and examination easier to the Doctors.[sic]”

Claim 36 has been amended to specify determination of a user identity and defining a presentation which is one of a plurality of different types of presentations for displaying the data elements, the type of presentation which is defined as being based on the user identity and the medical information. Claim 57 has been amended to provide that at least one of the data elements is patient identifying information, and further that the sequence presentation is defined only where identification information for a user of the system allows access to the file based on patient identifying information. Neither Mukherjee nor Jenkins disclose such features. Therefore, claims 32 and 53 are believed to be free of the cited references.

Thus, a prima facie of obviousness has not been established. Applicants do not comment further here on the suitability of combining or modifying the cited references. Applicants respectfully request withdrawal of the rejection of claims 1, 4, 5, and 23-87 as being obvious over Mukherjee and Jenkins.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. B. Savereide', with a stylized flourish at the end.

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